

### **REMARKS**

Claims 109, 113, 115, 117, 121, and 123 are amended, no claims are canceled, and claims 130-131 are added; as a result, claims 10-12, 14-20, 22, 109, 111-113, 115, 117, 119-121, 123-125, and 128-131 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 109, 113, 117, and 121 were rejected under 35 USC § 102(b) as being anticipated by Dennison (U.S. 5,206,183). Applicant respectfully traverses.

Claim 109 recites, in part, “forming a sacrificial layer; forming a dielectric cap on a top of the sidewalls and sacrificial layer; removing at least a portion of the sacrificial layer; and using the dielectric cap as part of the dielectric layer.” Applicant can not find these features in Dennison. Accordingly, applicant submits that claim 109 is allowable over Dennison. Reconsideration of the rejection and allowance of claim 109 are requested.

Claim 113 recites, in part, “forming a dielectric cap on a top of the sidewalls, wherein the dielectric cap comprises at least one dielectric material selected from the group consisting of oxides, nitrides and silicon oxynitrides, and wherein forming a dielectric cap on top of the sidewalls includes forming a dielectric layer on an insulating layer, a conductive layer and a fill layer, and removing the dielectric layer from the insulating layer and the fill layer”. Applicant can not find these features in Dennison. Accordingly, applicant submits that claim 113 is allowable over Dennison. Reconsideration of the rejection and allowance of claim 113 are requested.

Claim 117 recites, in part, “forming a dielectric cap on a top of the sidewalls and a fill layer in the container structure; removing at least a portion of the fill layer; forming a dielectric layer on the conductive container structure and including the dielectric cap”. Applicant can not find these features in Dennison. Accordingly, applicant submits that claim 117 is allowable over Dennison. Reconsideration of the rejection and allowance of claim 117 are requested.

Claim 121 recites, in part, “wherein forming a dielectric cap includes depositing dielectric material on a fill layer in the conductive container structure and on the top of the sidewalls, removing the dielectric material from the fill layer, and removing at least a portion of the fill layer; forming a dielectric layer on the conductive container structure and the dielectric

cap, wherein forming the dielectric layer includes incorporating the dielectric cap in the dielectric layer”. Applicant can not find these features in Dennison. Accordingly, applicant submits that claim 121 is allowable over Dennison. Reconsideration of the rejection and allowance of claim 121 are requested.

§103 Rejection of the Claims

Claims 111-113, 115, 119-120, and 123-124 were rejected under 35 USC § 103(a) as being unpatentable over Dennison (U.S. 5,206,183) as applied above, and further of Lur et al. (U.S. 5,364,817) and Abernathey et al. (U.S. 4,725,560). Applicant respectfully traverses.

Claims 111 and 112 each depend from claim 109. Applicant submits that claims 111 and 112 are allowable for at the same reasons as stated above with regard to claim 109. Specifically, applicant submits that Lur and Abernathy do not cure the defects in Dennison as a reference against claims 109, 111, and 112. Allowance of claims 111 and 112 is requested.

Claim 115 recites, in part, “filing the container structure with a fill layer; forming a dielectric cap on a top of the sidewalls, wherein the dielectric cap comprises at least one dielectric material selected from the group consisting of oxides, nitrides and silicon oxynitrides, wherein forming a dielectric cap includes forming a dielectric layer on an insulating layer, ends of the conductive layer container structure and the fill layer, and removing the dielectric layer from the insulating layer and the fill layer; removing the fill layer”. Applicant can not find these features in Dennison, Lur or Abernathey, either alone or in combination. Accordingly, applicant submits that claim 115 is allowable over Dennison, Lur or Abernathey, either alone or in combination. Reconsideration of the rejection and allowance of claim 115 are requested.

Claims 119 and 120 each depend from claim 117. Applicant submits that claims 119 and 120 are allowable for at the same reasons as stated above with regard to claim 117. Specifically, applicant submits that Lur and Abernathy do not cure the defects in Dennison as a reference against claims 117, 119, and 120. Allowance of claims 119 and 120 is requested.

Claim 123 recites, in part, wherein forming a dielectric cap includes depositing dielectric material on a fill layer in the conductive container structure and on the top of the sidewalls, removing the dielectric material from the fill layer, and removing the fill layer”. Applicant can not find these features in Dennison, Lur or Abernathey, either alone or in combination.



Accordingly, applicant submits that claim 123 and claim 124 depending from claim 123 are allowable over Dennison, Lur or Abernathy, either alone or in combination. Reconsideration of the rejection and allowance of claims 123 and 124 are requested.

Allowable Subject Matter

Claims 10-12, 14-20, 22, 23-25, 27-33, 35, 125, 128, and 129 were allowed.

Conclusion

Applicant hereby incorporates all prior responses by reference to preserve all issues for appeal. Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

10 Sept '04

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of September, 2004.

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